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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Amendment to Section 73.202(b),)
Table of Allotments.)
)
FM Broadcast Stations)
(Cotulla and Dilley, Texas))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM No. _____

To: Assistant Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

IH-35 South Broadcasters ("Petitioner"), by its attorneys, hereby requests the following amendments to Section 73.202(b) of the Commission's rules, the FM Table of Allotments:

	<u>Present</u>	<u>Proposed</u>
Cotulla, Texas	242A, 289A	242A, 289A, 264A
Dilley, Texas	255C1, 264A	255C1, 229A

The proposal would add a third local service to Cotulla, Texas while preserving Dilley's second service through the substitution of Channel 229A for the existing, but unoccupied allotment on Channel 264A at Dilley. In support of this proposal the following is shown:

Technical Showings

The attached engineering statement shows that the proposed allotments meet the spacing and city-grade coverage requirements imposed in Sections 73.207 and

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73.315 of the rules. The new station at Cotulla would serve an area of 2,500 square kilometers with a population of 4,898 persons.

Cotulla, Texas

Cotulla needs and can support a third radio station. The seat of La Salle County, Cotulla is an incorporated city located in southeast Texas between San Antonio and Laredo on Interstate Highway 35. The city's population was 3614 as of the 2000 census. Cotulla has a chamber of commerce, a convention center, and a full complement of city and county government offices and services. The State of Texas operates a land office, a human services office and a transportation maintenance facility at Cotulla. There are two public libraries, seven churches, two banks, a museum and numerous retail and service businesses. The city's schools, including a senior high school, are operated by an independent school district.'

According to 2000 census data, service occupations comprise 28.3% of the jobs in La Salle County, with the next largest occupational sector being management, professional and related occupations at 19.6%. Educational, health, and social services comprise the largest industry sector, with 25.6% of local workers employed in these fields. The next largest sector is retail trade, which employs 11.2% of the county workforce.' These figures show the existence of a service-based economy which Petitioner believes will support several local radio stations.

If the Commission allocates Channel 264A to Cotulla, Texas, Petitioner will file an application for the new facility, and if its application is approved, Petitioner will construct and operate a new station at Cotulla.

¹ Source: texasescapes.com/SouthTexasTowns/CotullaTexas

² Source: US Census Bureau, American FactFinder at www.census.gov.

Dilley Channel Substitution

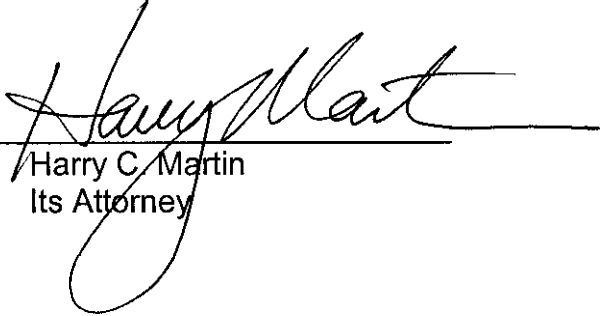
In order to accommodate the proposed relocation of Channel 264A from Dilley to Cotulla, a substitute channel at Dilley is being proposed. The attached engineering statement shows that Channel 229A may be allotted to Dilley consistent with the spacing and city-grade coverage requirements of Sections 73.207 and 73.315 of the rules. While the reference coordinates will be different, Channel 264A was only recently assigned to Dilley, by a Report *and Order* in MM Docket No. 01-200, DA 02-1876, released August 2, 2002. Thus, the channel has not been designated for an auction and no applications are on file for it. Moreover, Jeraldine Anderson, the proponent for the Dilley Channel 264A allotment, and the only party in MM Docket No. 01-200 to express interest in the channel, has provided a statement to Petitioner (attached) demonstrating she has no objection to the proposed substitution, and expressing her interest in applying for the substitute channel.

Conclusion

The proposed addition of a new station on Channel 264A at Cotulla will serve the public interest by providing a third local service to that hub community. The new allocation can be accommodated by the substitution of Channel 229A for Channel 264A at Dilley, Texas, a change which will provide an equivalent channel that is technically suitable for assignment to that community. Since Channel 264A was only recently allocated to Dilley, and, moreover, the only proponent of the allotment supports the substitution, no prejudice will result from implementation of Petitioner's plan.

WHEREFORE, It is respectfully requested that Channel 264A be added as Cotulla, Texas' third FM allotment, and that Channel 229A be substituted for Channel 264A at Dilley, Texas.

IH-35 SOUTH BROADCASTERS

By 
Harry C. Martin
Its Attorney

Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
(703) 812-0400

November 25, 2002

ENGINEERING STATEMENT

ALLOCATION STATEMENT

This statement is prepared on behalf of IH-35 South Broadcasting. This is a proposal to provide a third radio service to Cotulla, Texas, by moving and substituting a channel in Dilley, Texas

	<u>Has</u>	<u>Delete</u>	<u>Add</u>
Cotulla, Texas	242A, 289A	----	264A
Dilley, Texas	255C1, 264A	264A	229A

Cotulla, Texas, Channel 264A

This channel is to be move to Cotulla, Texas and new channel substituted in Dilley, Texas where it is currently allocated. The proposed reference coordinates for Cotulla Channel 264A are:

Latitude 28°26'12" North, Longitude 99°14'05" West

This site is within the city of Cotulla, Texas, where the entire city of Cotulla will be served with the 70-dBμ contour as required by 573.315(a) and §73.315(b) of the FCC Rules as shown in Exhibit B. Exhibit A is an allocation study of this site as Class A. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules, except for the mutually exclusive listing for Dilley.

Using this reference coordinate, the coverage of this proposed site was calculated according to §73.313 of the Rules. The 60-dBu (1 mV/m) contour will encompass 2,500 square kilometers and 4,898 persons. Cotulla, Texas is designated as a City in the US Census and has a population of 3,614 persons.

Dilley, Texas, Channel 229A

This proposal requests a substitution of 264A to 229A in Dilley, Texas, the second radio service. The proposed new reference coordinates for Dilley Channel 229A are:

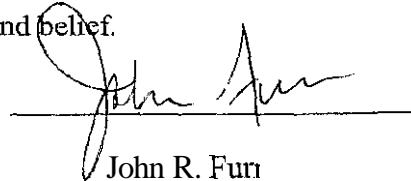
Latitude 28°36'56" North, Longitude 99°10'48" West

This site is 5 kilometers south of the reference coordinates of Dilley, Texas. From **this** site the entire city of Dilley will be served with the 70-dBμ contour as required by §73.315(a) and §73.315(b) of the FCC Rules as shown in Exhibit D. Exhibit C is an allocation study of this site as Class A. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules.

Using this reference coordinate, the coverage of this proposed site was calculated according to §73.313 of the Rules. The 60-dBu (1 mV/m) contour will encompass 2,500 square kilometers and 10,405 persons. Dilley, Texas is designated as a City in *the* US Census and has a population of 3,674 persons.

I, John R. Fun; am a Communications Consultant and I represent IH-35 South Broadcasting. My qualifications are a matter of record with the Commission. All statements made herein are true and correct to the best of my knowledge and belief.

November 18, 2002


John R. Fun

IH-35 South Broadcasting, Cotulla, Texas

Exhibit A – Cotulla Allocation Study

FM Study for: ALLOC-1 FCC Database Date: 11/1/2002 28-26-12
 Location: COTULLA, TX Channel Class: `A 99-14-05
 [*] by HAAT indicates calculated as missing in database.
 Call City, State Chan Class Freq kW Latitude Dist. Required
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

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>>>>>>> Study For Channel 264 100.7mHz <<<<<<<<
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ALLOCR DILLEY, TX                      264 A 100.7                      28-40-02                      26.3 115
ADD                      RM-10215                      0                      99-10-13                      13.8 -88.7                      SHORT

KBDR MIRANDO CITY, TX                      263 C2 100.5 .510                      27-30-23                      106.55 106
APP                      Fac. NO. 906                      BMLH-20020605AAC                      68                      99-30-30                      194.7 +0.55                      CLOSE

KBDR MIRANDO CITY, TX                      263 C2 100.5 42.0                      27-21-17                      119.9 106
APP                      Fac. No. 906                      BPH-20020924ABO                      163                      99-13-52                      179.8 +13.9                      CLOSE

KBDR MIRANDO CITY, TX                      263 C2 100.5 42.0                      27-21-13                      120.0 106
LIC                      Fac. No. 906                      BLH-19930415KB                      163                      99-13-50                      179.8 +14.0                      CLOSE

KMFM PREMONT, TX                      264 C3 100.7 25.0                      27-28-30                      157.5 142
LIC                      Fac. No. 51958                      BLH-20000517AAA                      87                      98-03-23                      132.3 +15.5                      CLEAR

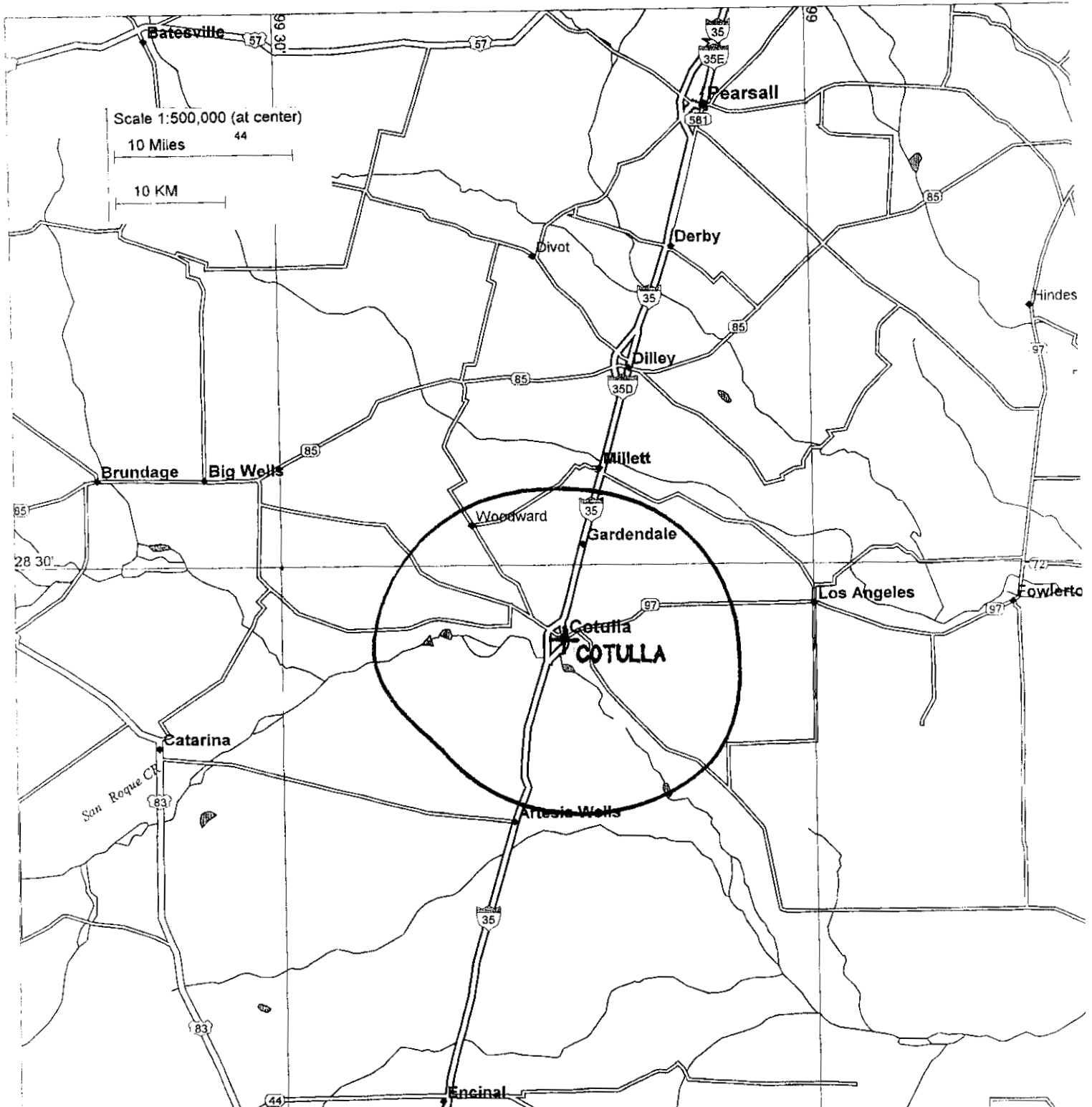
ALLOC PIEDRAS NEGRAS, CI                      265 B 100.9                      28-43-25                      141.6 125
Fac. No. 96314                      -                      0                      100-38-53                      283.3 +16.6                      CLEAR

KASEFM AUSTIN, TX                      264 C 100.7 100.                      30-19-10                      250.8 226
LIC                      Fac. No. 35849                      BLH-19820628AN                      363                      97-48-06                      33.3 +24.8                      CLEAR

ALLOC VILLA HIDALGO, CI                      261 B 100.1                      27-47-10                      95.8 69
Fac. No. 94981                      -                      0                      99-52-30                      221.3 +26.8                      CLEAR
  
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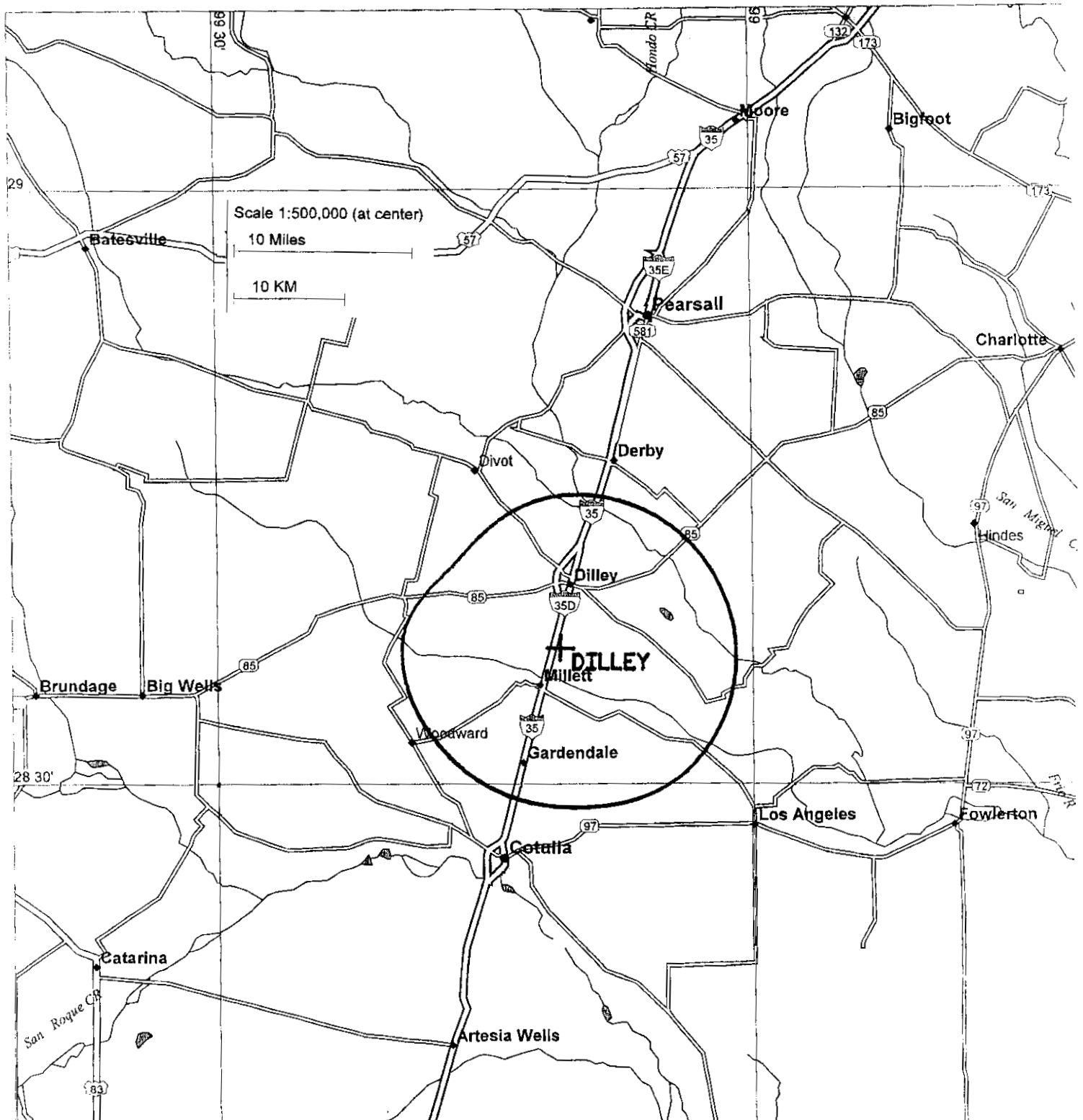

IH-35 South Broadcasting, Cotulla, Texas

Exhibit B – Cotulla City Coverage



IH-35 South Broadcasting, Cotulla, Texas

Exhibit D – Dilley City Coverage



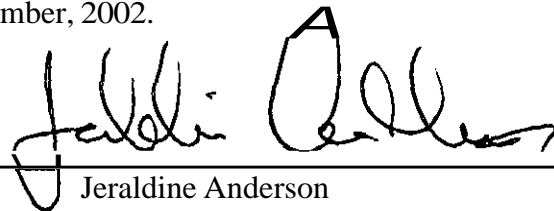
STATEMENT OF JERALDINE ANDERSON

STATEMENT OF JERALDINE ANDERSON

My **name** is Jeraldine Anderson. I petitioned the Federal Communications Commission, in RM-10215, to allocate Channel **264.4** to Dilley, **Texas**. In response to my **petition for rule making**, the PCC allocated Channel **264A** at Dilley in a *Report and Order* in MM Docket No. **01-200, DA 02-1876**, released August **2,2002**. No expressions of interest, other than my own, were filed in **the** proceeding.

I have been requested by FH-35 South Broadcasting to consent to a substitution of Channel **229A** ~~for~~ Channel **264A** at Dilley, in order to accommodate FH-35's plan to reallocate **Channel 264A** to Cotulla, **Texas**. Given that FH-35's request **is** consistent with my belief that the public interest is served by providing FM channels for relatively **small** communities that are **not part** of metropolitan areas, I have no objection to the proposed substitution and will **apply** for Channel **229A** at Dilley if it **is** allocated to that community.

Signed and dated this **25th** day of November, 2002.

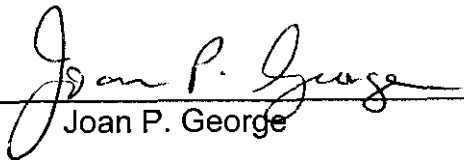


_____ Jeraldine Anderson

Certificate of Service

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth,
do hereby certify that a Petition *for* **Rule** Making was sent this 25th day of November,
2002, by hand to the following:

John A. Karousos, Esq.
Media Bureau
Federal Communications Commission
The Portals II, Room 3-A266
445 12th Street, S.W.
Washington, DC 20554



Joan P. George